



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

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Sent

164483
JUL 28 1989

Gary Bonner
Operations Supervisor
Bureau of Waste Management
Pennsylvania Department
of Environmental Resources
1875 New Hope Street
Norristown, PA 19401

Re: NVF Site, Kennett Square, Pennsylvania.

Dear Mr. Bonner:

I would like to confirm our telephone conversation of July 19, 1989, regarding the disposition of PCB contaminated soils from the NVF Site in Kennett Square, PA. As you know, NVF has proposed to cap the 400 foot drainage ditch area which runs east to west outside of their southern fenceline. During our discussion on July 19th you informed me that the Pennsylvania Department of Environmental Resources (PADER) considers the PCB contaminated soil to be a residual waste, defined in the State's Solid Waste regulations, and that it is PADER policy to require excavation and disposal of such residual wastes to background levels.

We also discussed that if NVF were allowed to leave the PCBs in the ditch, that the action would amount to a "placement" of a residual waste and would thereby require proper closure under the State's Solid Waste regulations. Proper closure would require that the site at least meet minimum technology requirements (double liner, leachate collection and groundwater monitoring system) prior to approval of the appropriate module or permit application.

Also, as you are aware NVF would like to meet with the appropriate PADER representatives to discuss the proposed cap. Ideally, NVF would like to demonstrate the merits of using the cap. However, since their proposal does not appear to be consistent with current State policy, perhaps a meeting should be held to inform NVF of what actions must be taken to satisfy the PADER requirements. If you decide that such a meeting is necessary, it should be held soon because additional delay will increase the chances of previously excavated areas becoming recontaminated. I

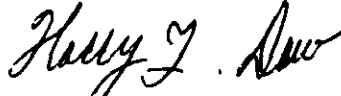
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will inform NVF that they should contact either you or Steele directly to schedule this meeting.

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Thank you for clarifying the State's position regarding this matter. I would appreciate it, if you would send me a copy of all of the relevant regulations, policy and reference precedents that support PADER's position for our records. I await your timely reply.

Sincerely,



Harry T. Daw, Environmental Engineer
Enforcement and Title III Section

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